

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEVEN DUNCAN, PETER CAHILL and
CHARLES CAPARELLI, Individually and on
Behalf of All others Similarly Situated,

Plaintiffs,

v.

Case No. 16-cv-1229-pp

JOY GLOBAL INC., EDWARD L. DOHENY II,
JOHN NILS HANSON, STEVEN L. GERARD,
MARK J. GLIEBE, JOHN T. GREMP, GALE E. KLAPPA,
RICHARD B. LOYND, P. ERIC SIEGERT and
JAMES H. TATE,

Defendants.

**ORDER GRANTING MOTION FOR APPROVAL OF PLAN OF ALLOCATION
AND APPROVING PLAN OF ALLOCATION (DKT. NO. 58 AT ¶(B))**

The plaintiffs filed a motion, asking the court to, among other things, approve the plan of allocation. Dkt. No. 58 at ¶(b). The court has considered the written pleadings relating to that motion, as well as the arguments from the December 20, 2018 final approval hearing, dkt. nos. 74, 75, and **ORDERS:**

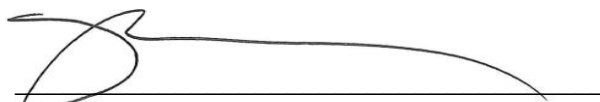
1. For purposes of this order, the terms used here shall have the same meanings as set forth in the Stipulation of Settlement dated May 22, 2018. Dkt. No. 52.
2. The court **FINDS** and **CONCLUDES** that under Rule 23 of the Federal Rules of Civil Procedure, due and adequate notice was directed to all persons and entities who are Class Members,

including individual notice to those who could be identified with reasonable effort, advising them of the Plan of Allocation and of their right to object to that plan, and a full and fair opportunity was accorded to all Persons and entities who are Members of the Class to be heard with respect to the Plan of Allocation. No Class Members objected to the Plan of Allocation.

3. The court **FINDS** and **CONCLUDES** that the formula for the calculation of the claims of Authorized Claimants, which is contained in the Notice of Pendency and Proposed Settlement of Class Action (the “Notice”) sent to Class Members, provides a fair and reasonable basis upon which to allocate the proceeds of the Net Settlement Fund established by the Stipulation among Class Members, with due consideration having been given to administrative convenience and necessity.
4. The court **FINDS** the Plan of Allocation contained in the Notice is fair and reasonable. The court **GRANTS** that portion of the motion that asks the court to approve the Plan of Allocation, dkt. no. 58 at ¶(b), and **APPROVES** the Plan of Allocation.

Dated in Milwaukee, Wisconsin this 27th day of December, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge